

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

CECIL E. HOPKINS, individually )  
and on behalf of a class of all others )  
similarly situated, )  
   )  
  )  
**Plaintiff,**                              )  
   )  
vs.   )    **Case No. 08-05052-CV-SW-GAF**  
   )  
   )  
**KANSAS TEACHERS COMMUNITY**            )  
**CREDIT UNION,**                            )  
   )  
**Defendant/Third Party Plaintiff,**      )  
   )  
vs.   )  
   )  
**MARATHON ROTHSCHILD CREDIT**        )  
**UNION, et al.,**                            )  
   )  
**Third Party Defendants.**                )

**ORDER GRANTING DEFAULT JUDGMENT**

Presently before the Court is Third-Party Plaintiff Kansas Teachers Community Credit Union's ("KTCCU") Motion for Default Judgment Against Third-Party Defendant Flatiron Financial Services, Inc. filed pursuant to Fed. R. Civ. P. 55. (Doc. #134). On July 8, 2009, KTCCU filed its Third-Party Complaint for indemnity and contribution against Third-Party Defendant Flatiron Financial Services, Inc. d/b/a "Peak5" ("Peak5"). (Doc. #52). Peak5 was served with process on July 15, 2009. (Doc. #110).

Under Fed. R. Civ. P. 12(a)(1)(A)(I), Peak5 was required to file its Answer to the Third-Party Complaint on or before August 4, 2009. To date, Peak5 has not attempted to respond. KTCCU requests the Court enter a default judgment against Peak5 on the issue of liability only at

this time. The Court finds Peak5 is in default, and KTCCU is entitled to a default judgment under Fed. R. Civ. P. 55 on the issue of liability. Accordingly, it is

**ORDERED** that KTCCU's Motion is **GRANTED**.<sup>1</sup>

s/ Gary A. Fenner

Gary A. Fenner, Judge  
United States District Court

DATED: March 12, 2010

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<sup>1</sup>If necessary, the amount of KTCCU's damages shall be determined at a later date.